

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

BRAD TSCHIDA,

Plaintiff,

vs.

JONATHAN MOTL,

Defendant.

CV-16-102-H-BMM

**ORDER GRANTING MOTION FOR
PROTECTIVE ORDER**

Plaintiff has filed an unopposed motion for protective order (Doc. 41) pursuant to Comment 6 of Rule 4.2 of the American Bar Association's Rules of Professional Conduct. The comment states that "a lawyer who is uncertain whether a communication with a represented person is permissible may seek a court order." Plaintiff and his counsel have been asked by members of the Legislature for information and documents pertaining to this case.

Plaintiff's counsel believes that Defendant's radio interview in November 2016 is pertinent to HB 340 and other matters currently pending before the Legislature. Plaintiff's counsel intends to provide members of the Legislature with documents from the Court's file in this matter and answer any questions they may

have about the case. Plaintiff's counsel assumes that the information he provides to legislators will be used by them to question Defendant Motl, should he testify in legislative committees in the future.

Such communications fall within the exception to Rule 4.2 for communications authorized by law, even if they might be deemed to be indirect communications between Plaintiff's counsel and Defendant Motl.

Accordingly, IT IS ORDERED that Plaintiff's Unopposed Motion for Protective Order (Doc. 41) is GRANTED.

DATED this 3rd day of March, 2017.

A handwritten signature in blue ink that reads "Brian Morris".

Brian Morris
United States District Court Judge